IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24055 of 2004

Between:

Smt.S.Leelima, M.A., (Litt.,) D/o.Sri S.Subba Rao

Aged 30 years, D.No.86-18-43, Edda Veedhi V.L.Puram,

Rajahmundry-3 East Godavari District.

..... PETITIONER

AND

1 The Deputy Commissioner of Endowments,

Kakinada East Godavari District.
2 The Executive Officer Kithakarini Samajam
Rajahmundry, E.G.District.
3 The Correspondent, V.T.Jr.College Rajahmundry, E.G.District.
4 The Principal V.T.Jr.College Rajahmundry, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not giving me the appointment in the post of part time contingent servant (unaided) in the fourth respondent college and not paying the salary attached to the said post since 1-1-2002 as bad, arbitrary and against the principles of natural justice and consequently direct the respondents to consider my case for appointment to the said post in the fourth respondent college and to pay the salary in the scale attached to the said post.

Counsel for the Petitioner: SMT.P.RAJANI

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: SMT.N.INDRANI,SC FOR ENDOWMENTS TEMPLE

Counsel for the Respondent Nos.3 and 4: --

The Court made the following:

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ORDER:

Declaring the action of the respondents in not giving appointment to the post of part time contingent servant (unaided) in the 4th respondent College, and not paying the salary since 01.01.2002, as bad, illegal and arbitrary, the present writ petition is filed.

The learned counsel for the petitioner contended that in spite of passing the orders by the 2nd respondent, the writ petitioner is continuing to work in the 4th respondent institution, and R4 has not been paying any salaries, and therefore, she prays for appointment to the post of part time contingent servant (unaided).

On the other hand, the learned counsel appearing for the 2nd respondent contended that the service of the petitioner was terminated through proceedings dated 01.01.2002, issued by the 2nd respondent, and still if she continues in service in the 4th respondent institution, the principal, who is personally responsible for violation of proceedings dated 01.01.2002, has to pay salaries to the petitioner. Therefore, the 2nd respondent is not liable to pay salaries to the petitioner.

The facts are not in dispute. Admittedly, the petitioner was appointed as part time contingent employee in the 4th respondent institution temporarily. On coming to know that her appointment was made during the ban period, her appointment orders have been cancelled with immediate effect by proceedings dated 01.01.2002 issued by the 2nd respondent.

The cancellation proceedings, passed by the 2nd respondent dated 01.01.2002, are not under challenge. Even the contention of the learned counsel for the petitioner is accepted that the writ petitioner is continuing in the 4th respondent institution, that cannot give any right for claiming

salary since her appointment orders have been cancelled. However, the writ petitioner seems to have been working in the 4th respondent institution from June, 2001 as contingent employee till the proceedings dated 01.01.2002 are passed. In that view of the matter, the 2nd respondent is directed to consider the case of the petitioner, in case of any vacancy.

The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Deputy Commissioner of Endowments,
Kakinada, East Godavari District

2. The Executive Officer,
Kithakarini Samajam, Rajamundry,
E.G.District

3. The Correspondent, V.T.Junior College,
Rajahmundry, E.G.District

4. The Principal, V.T.Junior College,
Rajahmundry, W.G.District

5. Two CCs to the Government Pleader
for Endowments, High Court Buildings,
Hyderabad (OUT)

6. Two CD copies.